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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,508

11/03/2006

Jean-Michel Defert

P30247

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7055 7590 06/24/2010  
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EXAMINER

MERLINO, ALYSON MARIE

ART UNIT

PAPER NUMBER

3673

NOTIFICATION DATE

DELIVERY MODE

06/24/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,508	<b>Applicant(s)</b> DEFERT, JEAN-MICHEL	
	<b>Examiner</b> ALYSON M. MERLINO	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The examiner acknowledges applicant's amendments to claims 5-11, 23, and 25-27, the presentation of claims 12-22, 24, and 28-30, and the addition of new claims 31 and 32.

### *Claim Objections*

2. **Claim 5 is objected to** because of the following informalities: In lines 6 and 7, the phrase "an electromagnet" should be changed to "the electromagnetic core" in accordance with the preceding lines of the claim, and in lines 9-13, these lines should be removed from the claim, and replaced by the limitations of claim 32. Claim 31 should also be cancelled in light of the inclusion of the limitations of claim 32 into claim 5. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 5-32 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **In regards to claim 5**, lines 9-13, it is unclear which limitations are included or excluded from the claim language, i.e. the limitations following the phrase "wherein one of," see claim objections above, and this portion of claim 5 provides contracting limitations in light of dependent claim 31, since claim 31 includes both limitations

Art Unit: 3673

regarding the movable plate and the position of the electromagnet core. For examination purposes, the

6. **Claims 5, 12 and 17 are rejected** under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: guide means, and the bolt being moved between locked and unlocked positions. It is clear that the linear movement of the retractable sliding bolt can only occur when the movement of the bolt is restricted by its cooperation with the columns 7. In regards to claim 5, it is clear that in order for the electromagnetic lock to operate, limitations regarding the status or position of the plate and/or bolt when the electromagnet is energized and when it is not energized should be included. These events or steps are discussed in the last five lines of claim 12. Furthermore, in regards to claims 12 and 17, the claims discuss a locked position, however, there is no language relating this position to an unlocked position, such as the sliding bolt moving between locked and unlocked positions, with the armature plate moving between engaged and disengaged positions wherein the springs bias the plate towards the engaged position, engaging the armature plate with the electromagnetic core. Also, with respect to the electromagnetic core being de-energized, it is clear that the armature plate is no longer engaged to the electromagnetic core, and that pressure exerted on the door allows the retractable sliding bolt to engage with the fixing plate to move the sliding door towards the unlock position. It is clear that this is the proper operation and components of the device that allow the operation and it is strongly suggested that claims 5, 12, and 17 reflect this operation.

Art Unit: 3673

7. **In regards to claim 26**, it is unclear how the retractable sliding bolt is prevented from moving back away from the protruding position, when another position, such as an unlocked or disengaged position of the sliding bolt, has not been set forth so that the bolt may be prevented from moving "back" to that disengaged position. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

***Allowable Subject Matter***

8. **Claims 5, 12, 17, 21, 23, and 24 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. **Claims 6-11, 13-16, 18-20, 22, and 25-32 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10.

***Response to Arguments***

11. Applicant's arguments filed 30 March 2010 have been fully considered but they are not persuasive.

12. In regards to applicant's remarks concerning the claim objection to claim 5, the examiner respectfully disagrees, noting that applicant argues that the electromagnet is in reference to an electromagnetic core, however, the claim language is still unclear. It is clear that the "device" only includes an electromagnetic core and the movable plate, not another electromagnet, as suggested by the claim language. It is also clear that the

Art Unit: 3673

plate only interacts with the electromagnetic core, and not another "electromagnet." If applicant intends to claim that the electromagnetic lock includes an electromagnet device having an electromagnetic core and a movable plate functioning as the armature, then the claim language should reflect this.

13. In regards to applicant's remarks concerning the rejection of claims 5-32 under 35 U.S.C. 112, second paragraph, the examiner respectfully disagrees, noting that applicant's device requires the missing features to operate. Specifically, the claims recite that the sliding bolt is linearly moveable, and it is clear from the understanding of the device, the drawings, and the specification that the guide means are used to ensure that the plate is "linearly" movable causing the bolt to be linearly moved. Without the guides recited in the claims, the plate of the device is just hanging in space and is not connected to the body of the lock; therefore, it is clear that these guides are essential to the device as shown in Figures 1-3. Furthermore, as discussed in the rejection above, the device is an electromagnetic lock; however, the locked and unlocked positions are not recited in the claims to relate the locking and unlocking of a door to the operation of the device. Moreover, applicant contends that the examiner has misunderstood MPEP 2172.01. The examiner would like to draw applicant's attention to an excerpt from MPEP 2172.01 which states "A claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph, where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes." In the current application, the elements of the device, such as the plate and the guide means, function simultaneously through the cooperation of the guides with the

Art Unit: 3673

plate to ensure that the bolt moves "linearly" as claimed, with the guides and plate being directly functionally related so that the plate is connected to the body of the lock and so the bolt moves "linearly" as claimed, by the plate being guided during operation by the guides; the guides and plate directly intercooperate to ensure the linear movement of the bolt, and the guides do not serve a purpose separate from guiding the plate, moving the bolt "linearly" as claimed. It is clear that all these conditions are met, and therefore, the claims do fail to comply with 35 U.S.C. 112, second paragraph. Also, applicant submitted a board decision for the examiner's consideration. This decision was considered but was not persuasive, and therefore, the rejections of claims 5-30 under 35 U.S.C. 112, second paragraph, are maintained.

14. The rejections of claims 5-8 and 27 under 35 U.S.C. 102(b) set forth in the previous office action are withdrawn.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3673

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is (571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3673

AM  
June 18, 2010